

***Response to Appeal Brief***

In view of the appeal brief filed on 30 July 2007 the appeal is dismissed and claims 18-25 and 38-54 are allowed.

***Examiner's Reasons for Allowance***

Applicant arguments of 30 July 2007 are persuasive.

The closest US prior art is Solomon. However, Solomon does not disclose every element of representative claim 18. Furthermore, neither the prior art, the nature of the problem, nor knowledge of a person having ordinary skill in the art, provide any reasonable rationale to combine prior art teachings to disclose, *inter alia*, receiving, from a requesting entity, a plurality of requests related to a benchmarking operation.

The closest non-patent literature is Applications of high-performance computing in engineering VII; proceedings. Scitech Book News. Portland: Mar 2003. Vol. 27, Iss. 1, downloaded from ProQuest on the Internet on 17 October 2007.

However, Scitech, the nature of the problem, nor knowledge of a person having ordinary skill in the art, provide any reasonable rationale to combine prior art teachings to disclose, *inter alia*,

receiving, from a requesting entity, a plurality of requests related to a benchmarking operation.

***Conclusion***

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James H Zurita/  
Primary Examiner, Art Unit 3625  
17 October 2007